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16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT of CALIFORNIA  
18

19 ROBERT A. PASTOR, individually and )  
20 on behalf of all others similarly situated, )

21 Plaintiffs, )

22 vs. )

23 BANK OF AMERICA )

24 Defendants. )

Case No. 3:15-CV-03831-VC

DECLARATION OF CAROLYN L.  
CARTER IN SUPPORT OF MOTION  
FOR PRELIMINARY APPROVAL OF  
CLASS SETTLEMENT

Judge: VINCE V. CHHABRIA

1 I, Carolyn L. Carter, declare as follows:

2 1. I have personal knowledge of the facts in this Declaration and, if called  
3 as a witness, I could and would competently testify to these facts.

4 2. I am Deputy Director of the National Consumer Law Center  
5 ("NCLC"). As Deputy Director of NCLC, I play a major role in priority setting,  
6 project assignments, and quality of work at the organization, and oversee the  
7 advocacy staff's research, policy, and advocacy projects. I participate in Center  
8 policy-making, hiring, fundraising, and budgetary planning. I have been with  
9 NCLC since 2000, first on an Of Counsel basis, then as a staff attorney. I was  
10 formerly Deputy Director for Advocacy before becoming Deputy Director in  
11 2016. I am an author or co-author of a number of NCLC treatises and reports.

12 3. NCLC is a 501(c)(3) nonprofit organization dedicated to consumer  
13 protection and the promotion of fairness and justice in the marketplace. NCLC  
14 was founded in 1969 with funding from the federal Office of Economic  
15 Opportunity as a national support center for legal services organizations. Today,  
16 NCLC is a fully independent organization governed by a volunteer national  
17 board of directors, including attorneys and clients from low-income  
18 communities, which continues to prioritize providing training, support and case  
19 assistance to legal aid and pro bono attorneys representing low-income clients.

20 4. For more than five decades, NCLC has been a leading source of legal  
21 and public policy expertise on consumer issues for lawyers, federal and state  
22 policymakers, consumer advocates, journalists, and front-line providers of  
23 community services. With a goal of protecting consumers from, and redressing  
24 injuries caused by inaccurate, false and misleading statements or omissions by  
25 businesses, NCLC has trained and advised tens of thousands of advocates on  
26 consumer legal issues, appeared in cases throughout the nation, worked with  
27 state and federal commissions and legislatures, written investigative reports, and  
28 published leading legal practice manuals and consumer guides. Specific

1 examples of the ways in which NCLC's consumer law expertise is used to  
2 support consumer attorneys and directly benefit consumers include the  
3 following:

4 **5. Conferences and Trainings:** NCLC organizes the nation's largest  
5 annual consumer law conference, the Consumer Rights Litigation Conference.  
6 Each year we train thousands of attorneys and other advocates through  
7 workshops, conference presentations, and webinars. These trainings benefit  
8 consumers by ensuring that practitioners and advocates understand the current  
9 state of consumer law and accurately apply existing legal frameworks.

10 **6. Legal Treatises and Consumer Law Publications:** NCLC publishes a  
11 comprehensive 20-volume set of legal treatises, widely cited in judicial opinions  
12 by courts including the United States Supreme Court. The American Bar Journal  
13 review of NCLC's treatises described the series as "a monumental undertaking  
14 comparable to but more practical than the Restatement of Laws." NCLC also  
15 produces books and other educational materials intended for consumers  
16 themselves, and for our large network of lay advocates and service providers.  
17 Written in clear and direct language, these materials give practical advice on  
18 consumer rights. The treatise on Fair Credit Reporting includes the most detailed  
19 and up to date analysis of the latest changes in credit reporting resulting from  
20 CFPB actions and those of the state attorneys general, as well as thousands of  
21 new FCRA court decisions. Also covered are the Credit Report Organizations  
22 Act, Gramm Leach Bliley, and state credit reporting statutes.

23 **7. Legal and Policy Analysis:** NCLC's legal and policy experts analyze  
24 regulatory proposals; provide expert witness services; and research and write  
25 extensive Reports, Policy Briefs, and formal regulatory comments on a wide  
26 range of consumer law matters, including on (but not limited to) issues  
27 associated with the Truth in Lending Act (TILA), the Fair Credit Reporting Act  
28 (FCRA), the Equal Credit Opportunity Act (ECOA), the Fair Debt Collection

1 Practices Act (FDCPA), the Telephone Consumer Protection Act (TCPA), the  
2 Fair and Accurate Credit Transactions Act (FACTA), the Military Lending Act  
3 (MLA), and many more.

4 8. **Public Education:** NCLC also responds to requests from journalists  
5 for information and disseminates our research on important consumer issues. We  
6 are consulted for background information and quoted regularly by *The New York*  
7 *Times*, *The Wall Street Journal*, *USA Today*, *The Los Angeles Times*, *The*  
8 *Washington Post*, National Public Radio, and other major news organizations.  
9 We work with the media to alert consumers to potentially misleading business  
10 practices, and to provide tips on practical steps that the public can take to obtain  
11 relief from (or not be harmed by) improper business conduct.

12 9. NCLC approves of the approach adopted by the American Law  
13 Institute in § 3.07 of its Principles of the Law of Aggregate Litigation regarding  
14 the criteria a court should apply to determining whether a proposed *cy pres*  
15 distribution is appropriate. NCLC also adheres to, and supports, Guideline 7, *Cy*  
16 *Pres Awards*, of the National Association of Consumer Advocates Standards and  
17 Guidelines for Litigating and Settling Consumer Class Actions (3rd Ed. 2014).  
18 The procedures set forth in these rules have been endorsed by federal courts as  
19 the best way to insure that (1) there is a maximum distribution to class members;  
20 (2) the designation of the remaining funds will be allocated for uses that are most  
21 likely to further the interests of absent class members; and (3) the selection  
22 process is not tainted by self-interest.

23 10. NCLC has long been considered by courts to be a worthy recipient of  
24 *cy pres* awards. Since 1997, NCLC has been approved by courts to receive over  
25 500 *cy pres* and class action settlement awards, all of which have been used to  
26 promote consumer protections and equal access to justice for consumers in need  
27 of effective legal representation.  
28

1 11. I declare under penalty of perjury under the laws of the United States of  
2 America that the foregoing is true and correct.

3 Executed this 13<sup>th</sup> day of February 2019, at Boston, Mass.

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6 Carolyn L. Carter  
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